

Our Reference: CBC-122-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard C. Wilson and Patrick M. Culpepper

Serial Number: 09/391,294

Filing Date: September 7, 1999

Examiner/Art Group Unit: R. Canfield/3635

Title: CORNER POST SUPPORT MEMBER

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**SUPPLEMENTAL REISSUE APPLICATION
DECLARATION BY THE INVENTORS**

Assistant Commissioner of Patent
Washington, D.C. 20231

Sir:

We, Richard C. Wilson and Patrick M. Culpepper, declare that we are citizens of the United States of America and are the original, first, and joint inventors of U. S. Patent Nos. 5,542,222 and 5,664,376 of the foregoing specification. We solicit a reissue patent for the invention of U. S. Patent No. 5,664,376. Our residence and post office addresses are as stated below, next to our names. We have reviewed and understand the contents of the above-identified reissue specification and claims including the claims as amended in the Amendment After Final submitted on December 20, 2000. We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known which is material to patentability as defined in 37 C.F.R. 1.56.

We believe that our patent is partly inoperative or invalid for the reason that we claimed less than we had a right to claim in the patent. Further, we believe that our patent is partly inoperative or invalid for the reason that claims 1 and 4 contain vague terminology that does not clearly point out and distinctly claim the subject matter which we regard as our invention according to 35 U.S.C. § 112.

In particular, the scope of claims 1 - 4 is rendered indefinite by the language "have lengths corresponding to the length of the corner of the

building" and "has a length and thickness corresponding to and for filling the hollow space between the corner post and external wall of the building." The language in question defines dimensions of the support member by direct relationship to the intended use environment. The inconsistency between the preamble and the body of the claims renders the intended scope of the claim indefinite.

The errors up to the time of the filing of this reissue declaration arose without any deceptive intention on the part of the Applicants or their attorneys. The error sought to be corrected by this application for reissue of the patent is to correct the vague and ambiguous language in the claims of the patent.

Amended claim 1 corrects the indefinite language by incorporating functional language in the relationship of the support member and its intended use environment. Column 4, lines 28 - 30 (lines 8 - 10 in Amendment After Final) now read "first and second longitudinally extending portions have lengths adapted for corresponding to the length of the corner of the building." Column 4, lines 30 - 32 (lines 10 - 12 in Amendment After Final) now read "said single member defines a cornered inner surface adapted for contacting the building and a spaced-apart cornered outer surface parallel to said cornered inner surface adapted for contacting the corner post."

Claim 1 further recites a support and insulating member for a corner post comprising a single member having first and second longitudinally extending portions, the first portion lying in a first plane angularly disposed with respect to the second portion lying in a second plane, "a first support member flange lying in the first plane.....and a second support member flange lying in the second plane, wherein the single member defines a cornered inner surface and a spaced apart parallel cornered outer surface adapted for contacting the corner post" (Lines 13 - 21 of Amendment After Final).

Amended claim 2 recites a support and insulating member.

Amended claim 3 also recites a support and insulating member.

Amended claim 4 recites a support and insulating member and recites in lines 52 - 55 (lines 3 - 5 in Amendment After Final) "the support and

insulating member has a length and thickness adapted for corresponding to and for filling the hollow space between the corner post and the external wall."

New claim 5 recites an insulating support comprising: a single support member having first and second portions angularly disposed to each other, said first and second portions defining a cornered inner surface and a cornered outer surface parallel to said cornered inner surface, said single support member having first and second support flanges extending outwardly from the first and second portions of the single support member respectively, said first and second flanges extending continuously along the entire length of the first and second portions.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

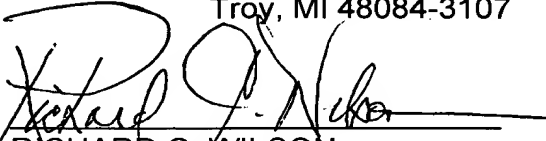
POWER OF ATTORNEY

We hereby appoint the following attorney(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

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Assignment recorded in the United States Patent and Trademark
Office on December 7, 1994, on Reel 7315/Frame 385.